



U.S. Department of Justice
Federal Bureau of Prisons

Program Statement

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DATE: 12/17/2003
SUBJECT: Occupational Education
Programs

RULES EFFECTIVE: 12/19/2003

1. **[PURPOSE AND SCOPE §544.50.** The Bureau of Prisons offers eligible inmates the opportunity under its occupational education programs to participate in occupational education courses for the purpose of obtaining marketable skills designed to enhance post-release employment opportunities.]

In this Program Statement, "occupational education" includes occupational education programs provided by either Bureau staff, contract agencies, or individuals at both secondary and postsecondary levels. The Post Release Employment Project (PREP) Study demonstrates that occupational training programs have a significant positive effect on in-prison and post-release outcomes for inmates.

Quality occupational education programs consist of:

- competency-based curriculums which teach specific job skills to inmates,
- contemporary job skills that assist inmates with post release employment,
- certification or accreditation from a state or other recognized accreditation from an association or agency, and
- where feasible, a linkage with UNICOR industries and a connection with literacy program instruction.

2. **SUMMARY OF CHANGES.** The eligibility of inmates to participate in occupational education programs has changed. Except in certain circumstances, inmates or detainees who are currently under an order of deportation, exclusion, or removal may participate in occupational education programs if resources permit, after meeting the needs of other inmates.

[Bracketed Bold - Rules]

Regular Type - Implementing Information

- A section on the funding of Advanced Occupational Education (AOE) programs which appeared in an earlier version of the Program Statement on Postsecondary Education (PSE) Programs for Inmates was added.
- "Live work" projects are clarified.
- The SENTRY reporting requirements for apprenticeship training hours were clarified.
- Joint trade advisory committees and meetings are now permissible under certain circumstances.

3. **PROGRAM OBJECTIVES.** The expected results of this program are:

a. Skills to enhance post-release employment opportunities will be acquired by inmates with occupational education needs.

b. "Live work" programs which contribute significantly to the operation and maintenance of institutions will be provided for critical hands-on experience.

c. Where available, apprenticeship programs will be properly registered with the Bureau of Apprenticeship and Training (BAT), U.S. Department of Labor, and will meet BAT's standards.

4. **DIRECTIVES AFFECTED**

a. **Directive Rescinded**

P5300.18 Occupational Education Programs (12/23/96)

b. **Directives Referenced**

P4100.03 BOP Acquisitions (9/16/96)

P5250.02 Public Works and Community Service Projects
(10/2/00)

P5251.05 Work and Performance Pay, Inmate (12/31/98)

P5300.21 Education, Training, and Leisure-Time Program
Standards (2/18/02)

Federal Acquisitions Regulations (FAR)

c. Rules cited in this Program Statement are contained in 28 CFR §544.50-52.

5. STANDARDS REFERENCED

a. American Correctional Association 2nd Edition Standards for the Administration of Correctional Agencies: 2-CO-5B-01

b. American Correctional Association Standards for Adult Correctional Institution (3rd Edition): 3-4265, 3-4266, 3-4380-1, 3-4410-1, 3-4411, 3-4412-1, 3-4413, 3-4414, 3-4415, 3-4416, 3-4417, 3-4418-1, 3-4420, and 3-4410 to 3-4420

c. American Correctional Association Standards for Adult Local Detention Facilities (3rd Edition): 3-ALDF-3E-04 to 3E-06, 3-ALDF-4B-02-1, and 3-ALDF-5B-01 to 3-ALDF-5B-02

6. **EXEMPTIONS.** All correctional institutions must provide occupational education programs to all inmates with vocational training needs. Metropolitan correctional centers, metropolitan/federal detention centers, the federal transportation center, and administrative maximum facility are exempt from providing occupational education programs.

This Program Statement's provisions may apply to some privatized and contract facilities depending upon those facilities' mission.

However, all institutions are encouraged to provide some form of occupational education opportunities if space and resources permit.

7. ELIGIBILITY TO PARTICIPATE. [PROCEDURES §544.51

(a) Eligibility. All inmates are eligible to participate in an institution's occupational education program. An eligible inmate must apply through the inmate's unit team for placement consideration. The unit team will determine whether the occupational education course is appropriate for the inmate's apparent needs.

(b) Special Considerations for inmates under orders of deportation, exclusion, or removal:

(1) Generally, inmates under orders of deportation, exclusion, or removal may participate in an institution's occupational education program if Bureau resources permit after meeting the needs of other eligible inmates.

(2) Inmates under orders of deportation, exclusion, or removal who the Attorney General has determined cannot be removed from

the United States because the designated country of removal will not accept the inmate's return are exempted from the limitation in (1), and may participate in an institution's occupational education in the same manner as other eligible inmates.]

An inmate will request initial enrollment through the Supervisor of Education. Education Staff will determine an inmate's academic eligibility for enrollment and deportation status and notify the unit team via a memorandum or at the inmate's unit team meeting.

Careful examination of any existing waitlists and space availability should be conducted prior to placing inmates with deportation orders (SENTRY CMA assignment of IHP CMP WD) in an occupational education program.

8. TYPES OF OCCUPATIONAL EDUCATION PROGRAMS. There are two types of occupational education programs:

- Certificate and
- Associate of Arts or Science Degrees

Degrees must be occupationally oriented, i.e., no liberal arts degree is allowed under this program.

For additional guidance, refer to Section 12, ACCREDITATION AND CERTIFICATION REQUIREMENTS and Section 13, TRADE ADVISORY COMMITTEE.

9. LEVELS OF OCCUPATIONAL EDUCATION PROGRAMS. §544.52. Occupational education programs are offered at the certificate level and the classroom level. Each level may include the following types of training:

a. Exploratory Training. Exploratory training is a study of occupations and industries for the purpose of providing the student with a general knowledge of the occupation and the world of work, rather than specific skill development.]

Ordinarily, exploratory training programs are less than 100 hours; however, completion of predefined criteria in addition to attendance must be demonstrated before awarding an exploratory level completion. These predefined criteria will be established by the training instructor and approved by the Supervisor of Education.

[b. Marketable Training. Marketable training provides specific entry-level or advanced job skills. Marketable training may include "live work," that is, the training would result in a product or service produced by the inmate for actual use by the institution, FPI, another federal agency, or community service project.]

Marketable level training should prepare inmates to work at least as an entry-level worker in a specific occupational or a related group of occupational fields. Participants will have to complete at least 100 hours of program attendance and master competency skills defined in the curriculum before they are awarded with a marketable level completion certification.

Inmates will not be enrolled in any marketable occupational education programs if they have not met academic requirements previously or if they do not maintain concurrent enrollment in a General Educational Development (GED) program. Inmates with documented special learning needs may be exempted from this provision.

[c. Apprentice Training. Apprentice training provides an inmate the opportunity to participate in training which prepares the inmate for employment in various trades through structured apprenticeship programs approved at the state and national levels by the Bureau of Apprenticeship and Training, U.S. Department of Labor.]

Apprentice training provides an inmate the opportunity to participate in training which prepares the inmate for employment in various trades. Apprenticeship programs for inmates will be established in those areas of the institution which have the potential to meet the requirements and standards of the Bureau of Apprenticeship and Training (BAT), U.S. Department of Labor.

Through its regional, state, and area representatives, BAT makes personnel available to Bureau educational staff for developing registered apprenticeship programs.

The Supervisor of Education will:

- Review apprenticeship opportunities in all areas of the institution,
- Contact the BAT Regional Director and request an apprenticeship program,

- Consult with BAT's Apprenticeship Training Representative on all matters regarding the procedures and methods for program development as required by BAT's regulations for registered apprenticeship programs, and
- Appoint a member of the Education staff to serve as an Apprenticeship Coordinator.

The Apprenticeship Coordinator will:

- Provide or make arrangements for related instruction for apprenticeship trades,
- Keep records of the number of hours completed for each skill area for all apprenticeship program trainees, and
- Conduct apprenticeship committee meetings at least twice a year with at least one meeting conducted at the institution. Minutes from these meetings will also be prepared and maintained for three years.

Only those hours from the date the inmate was indentured into the apprenticeship program are reflected in the SENTRY Education Data System (EDS). All hours subsequent to this, which were approved to be counted toward the required apprenticeship hours, are recorded in the SENTRY-based Update a Periodic Interview\Withdrawal Record for an inmate.

10. **FUNDING OF OCCUPATIONAL EDUCATION PROGRAMS.** Funding sources for occupational education programs include:

- Salaries and Expenses (S&E) Appropriations
- Trust Fund Appropriations

In addition, inmates may be required to make a co-payment to enroll and participate in an occupational education program. Co-payments for inmates are limited to the cost of books.

Annually, institutions may submit proposals for the funding of a new AOE program or upgrading equipment for an existing occupational education program.

AOE programs must meet the following criteria:

a. The program is related directly to preparation for a specific occupation or vocation. Certain courses may be approved that are not directly related to the specific occupation or vocation but may be required for a certificate or Associate of Arts or Science degree.

b. Programs in liberal arts/general studies are not authorized, although specific courses of a liberal arts nature may be permitted as in subsection a. above.

c. The program is part of a certificate, or an Associate of Arts or Science degree program, but not a four-year degree program.

d. The program may be offered by a community or junior college, technical-vocational school, four-year college offering a two-year degree, or some other accredited postsecondary education institution. Institution staff may teach an AOE program. However, the AOE Program must be certified through an outside learning institution.

The Supervisor of Education will use Accounting Class G3 to track the expenditures of AOE funds.

The Supervisor of Education will select the AOE program service providers competitively and will award contracts according to applicable procurement procedures as required by the Federal Acquisition Regulations and the Program Statement on BOP Acquisitions.

11. LIVE WORK

a. "Live work" is to be included within each marketable level occupational education program. AOE funds will not be used to purchase materials and supplies for "live work" projects.

b. "Live work" is to comprise approximately 20 to 40 percent of each marketable level vocational training program curriculum as measured by training hours. The Regional Director may grant an exemption with proper documentation.

c. "Live work," as an integral part of the Bureau's vocational training programs, has several advantages over the more traditional concept of clearly separated training and work programs.

- An inmate's training, once received, is best reinforced by using the training in an actual work situation.
- Occupational education programs and work facilities are mutually supportive.
- Duplication of services should be eliminated within the institution among training programs, other departments, and UNICOR.

This Program Statement's intent is to integrate top quality training programs with "live work," thereby serving the inmate's best interest, as well as the institution, UNICOR, or another agency.

d. The training instructor and the Supervisor of Education will be consulted before live work projects are performed. A log of live work projects will also be maintained and kept by the Supervisor of Education for three years. At a minimum, the log should contain:

- the project name,
- start and completion dates,
- length of time to complete the project,
- the person/agency requesting the project, and
- the funding source for project materials.

e. In accordance with the Program Statement on Public Works and Community Service Projects, Community Service Projects (CSP) may occur as the live work portion of an occupational education program.

The CSP should serve as a legitimate learning experience for the inmates and should be part of the competency-based occupational education program curriculum. Thus, the occupational education program must:

- provide job skill training, and experience,
- be accredited by a state or other recognized accreditation association or agency, whenever feasible,
- have entrance and exit criteria for the inmates, and
- not guarantee any production output for the community.

Because some occupational education programs involve using appropriated funds, special rules apply to the output produced in these programs. As a general rule, if an occupational education program wishes to donate its product to the local community, and that output incorporates government supplied materials, then the General Services Administration (GSA) excess property regulations must be followed (i.e., 41 CFR 101 et seq.).

If, however, the sponsoring organization provides **all** the materials for the community service project, the end product may be returned directly to the sponsoring organization.

- Inmates must volunteer and cannot be compelled to work on a CSP as part of the occupational education program's live work component. As long as the occupational education program is conducted within the institution and the inmates enrolled are not leaving the institution to perform the program's community service portion, inmates may receive pay and be eligible for inmate accident compensation for all of their participation in the occupational education program.

Occupational education program staff must maintain a list of inmates who volunteer.

- Only a government entity or nonprofit charitable organization may develop and sponsor the occupational education program's community service portion. The request will be:
 - submitted to the institution,
 - recommended by the Warden,
 - reviewed by the Regional Counsel and the Regional Education Administrator, and
 - approved by the Regional Director.

The host organization is to submit documentation to the Bureau that the CSP does not displace regular employees or impair existing contracts for services.

12. ACCREDITATION AND CERTIFICATION REQUIREMENTS. Whenever feasible, each occupation education program will be accredited by a state or other recognized accreditation association or agency. Where an entire education department is accredited by an accrediting agency, independent accreditation or certification for each occupation education program is preferred, but not required.

Certification tests from outside organizations (e.g., National Occupational Competency Testing Institute, National Institute for Automotive Service Excellence, etc.) may also be administered to individual inmates upon completion of a specific occupational education program. However, the individual skill competency certification will not replace the training program's certification.

13. **TRADE ADVISORY COMMITTEE.** A trade advisory committee will be required when an occupational education program is not offered by an outside accredited education institution or not certified/accredited by an outside certifying or accrediting agency.

- Where an entire education department is accredited or certified by an outside agency, a trade advisory committee is still required to ensure an individual occupational education program's quality if the program is not accredited or certified by an outside recognized agency.
- The trade advisory committees' size and composition will vary according to local needs, but they must include at least two active members who are not regular employees or contractors of the institution. The intent is to include representatives from trade organizations, accredited training institutions, or potential employers.
- Joint trade advisory committees and meetings are permissible when limitations (e.g., remoteness of institution) prevent institutions from having individual advisory committees and meetings for each occupational education program. However, at least one expert from each trade area should be included in the joint trade advisory committee and be present at each meeting.
- These committees will meet at least twice a year with at least one meeting conducted at the institution. Minutes from the trade advisory committee will be prepared and maintained by the Supervisor of Education for three years.

14. OCCUPATIONAL EDUCATION AND RELEASE PREPARATION.

Occupational education assists inmates to prepare for post-release employment. Specifically, inmates who have participated in occupational programs learn valuable knowledge and skills needed to enhance their opportunities for post-release employment.

15. SENTRY EDUCATION COURSES (EDC) DATA ENTRIES. Enrollments, withdrawals, and completions for occupational education programs will be entered into the SENTRY Education Courses (EDC) in a timely manner and will also be maintained in accordance with the most current guidelines.

/s/
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Director